

Application No. 10/068,103
Amendment "C" dated September 2, 2003
Reply to Office Action mailed April 17, 2003

REMARKS

Applicant(s) and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on August 7, 2003. The claim amendments and remarks made herein are consistent with the amendments and proposals presented during the interview.

In the Office Action dated April 17, 2003, claims 1-5, 8, 9, 11-13, 15-27 and 29-31 were rejected under 25 U.S.C. § 103 as being unpatentable over Bailey (U.S. Patent No. 5,013,240) in view of Kennedy (U.S. Patent No. 5,634,711); claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey, in view of Kennedy, and further in view of Sullivan (U.S. Patent No., 5,975,895); claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey, in view of Kennedy, and further in view of Senn (U.S. Patent No., 6,068,474); claims 14 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey, in view of Kennedy, and further in view of Verderber (U.S. Patent No. 5,457,611); claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kennedy in view of Bailey; claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kennedy in view of Verderber; and claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kennedy in view of Senn. Claims 32, 34, 35, 38 and 39 were also rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy.

By this paper, claims 32-37 have been cancelled and claims 1, 15, 19 and 30 have been amended, such that claims 1-31 now remain pending. It will be appreciated that inasmuch as claims 32-37 have been cancelled, the rejections to claims 32-37 are now moot.

Of the pending claims 1-31, only claims 1, 15, 19 and 30 are independent claims. Claims 1 and 15 are directed to a dental device that includes a light source for curing light-curable compounds and a body that is configured to be received within a standard dental hand piece holding tray. The device recited in claim 15 also includes a power cord for operably connecting the device with a remote power supply.

Claim 19 is directed to a dental kit that includes the dental light-curing device of claim 1 and that further includes a holder for holding the light-curing device. Claim 30 is directed to a corresponding system that includes a device, as recited in claim 1 and that further includes a dental hand piece holding tray having recesses that are configured to receive dental hand pieces.

Application No. 10/068,103
Amendment "C" dated September 2, 2003
Reply to Office Action mailed April 17, 2003

Each of the foregoing independent claims 1, 15, 19 and 30 have been amended by this paper to further clarify the recited embodiments, such as how the proximal end of the dental device is tapered to facilitate insertion of the dental device into a holding slot of a dental hand piece holding tray (Claims 1, 19 and 30), and how the light source and the distal end of the dental device are configured in such a way as to enable their insertion and rotation within the mouth of a patient (Claim 15).¹

As discussed during the interview, the claims, as currently amended, are neither anticipated by nor made obvious by the cited art of record, either singly or in combination. In particular, with regard to claims 1, 19 and 30, the cited references fail to disclose a dental device that is configured for curing light-curable compounds, comprising:

- a body extending between a proximal end and a distal end, wherein the proximal end of the body is tapered to facilitate insertion of the dental device into a holding slot of a dental hand piece holding tray that is sized and configured to receive at least one type of dental hand piece; and
- a light source disposed at the distal end of the body and configured to emit radiant energy suitable for curing a light-curable compound.

Even more particularly, the cited references fail to disclose a dental curing device having a proximal end that is tapered to facilitate insertion of the dental device into a holding slot of a dental hand piece holding tray.

Furthermore, with regard to claim 15, none of the cited references disclose a dental device comprising:

- a body extending between a proximal end and a distal end, wherein the proximal end of the body is configured to securely fit into a holding slot of a standard dental hand piece holding tray that is sized and configured to securely receive at least one type of dental hand piece, and wherein the distal end of the body is configured in size and shape to be inserted into the mouth of a patient; and
- a light source disposed at the distal end of the body and configured to emit light suitable for curing light-curable compounds, wherein the light source and distal end of the body are configured in size and shape to be inserted and rotated within the mouth of a patient; and
- a power cord operably connecting the dental device with a remotely located power supply.

¹ Support for the claim amendments is drawn from ¶ 25, 26 and 33 of the Applicants' Specification.

Application No. 10/068,103
Amendment "C" dated September 2, 2003
Reply to Office Action mailed April 17, 2003

In particular, the cited references fail to disclose or suggest a dental device that includes a light source that is disposed at the distal end of the dental device in such a manner that the light source and the distal end of the body can be inserted and rotated within the mouth of a patient, particularly in combination with the other cited claim elements.

Although the Bailey reference shows light curing devices 30 and 131 and being held within the recesses of a portable dental apparatus (Figs. 2, 9), the curing devices are not tapered at their proximal end to facilitate their insertion into a dental holding slot. In fact, one of the light curing devices (device 131) is actually shown to be inserted within the recess of the portable dental apparatus with its distal light-emitting end, apparently teaching away from the claimed tapering of the proximal end to facilitate insertion of the curing device within a holder.

Bailey also fails to disclose a light-curing device that is configured with a light source disposed at the distal end and in such a way as to enable the light source to be inserted and rotated within the mouth of a patient. Instead, the light source is either disposed within the body of the light source 131 or remotely located within the portable dental apparatus. (Col. 7, ll. 28-33).

The light sources disclosed in Sullivan and Scnn, which have a similar shape and configuration of the curing device 131 shown in Bailey, also fail to disclose a tapered proximal end or a light source that is configured at the distal end of the curing devices to be inserted and rotated within the mouth of a patient.

The curing devices shown in Verderber and Kennedy, which are more sleek and cylindrical than the aforementioned prior art curing devices, also fail to disclose a proximal end that is configured to facilitate insertion of the light-curing devices within a dental hand piece holding tray. Verderber and Kennedy references also fail to provide any disclosure or suggestion of a light source that is disposed at the distal end of the curing devices in such a way as to enable the light source to be inserted and rotated within the mouth of a patient. In fact, to the contrary, the light source for the Verderber curing device is actually disposed deep within the body of the light-curing device. (Fig. 2)

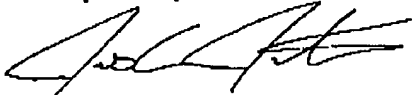
For at least these reasons, the pending claims are neither anticipated by nor made obvious by the cited art of record and, therefore, overcome the current rejections of record, as reflected in the Interview Summary. Accordingly, Applicants respectfully submit that the pending claims 1-31 are now in condition for prompt allowance.

Application No. 10/068,103
Amendment "C" dated September 2, 2003
Reply to Office Action mailed April 17, 2003

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 2nd day of September 2003.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer Number 022913

OFFICIAL

**RECEIVED
CENTRAL FAX CENTER**

SEP 03 2003

W:\7678\569\DMS0000004402V001.DOC